S.B. CIVIL MISC. APPEAL NO.134/2007.
(Smt. Chandu & Ors. Vs. LRs of Kailash Chand & Ors.)

Date of Order :: 16th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. B.L. Choudhary, for the appellants.

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For quantification of compensation to be awarded to the wife, minor child and parents of 22 years old vehicular accident victim Kumbha Ram, the Tribunal has noticed the submissions of the claimants about the deceased earning Rs.6,000/- per month in making and selling light foot-wear; but for want of any cogent corroborative evidence, has put an estimate on the monthly income of the 22 years old person in the process of earning livelihood or at least helping his father in such job, at Rs.2,000/- per month; and after deducting one-third wherefrom and with application of multiplier of 17, has assessed pecuniary loss at Rs.2,72,000/-; and allowing further Rs.25,000/- to the wife for loss of consortium, Rs.10,000/- to the child for loss of guidance of his father, Rs.10,000/- to the parents for loss of services of their son, Rs.5,000/- towards funeral expenses and Rs.1,000/- towards transportation, has made the award in the sum of Rs.3,20,000/-; and has allowed

interest @ 6% per annum from the date of filing of the claim application. The claimants seek enhancement in this appeal.

Having heard learned counsel for the appellants and having examined the award impugned, this Court is satisfied that the Tribunal has taken a reasonable and rather compassionate view of the matter; and despite there being no corroborative evidence, has taken monthly income of the deceased at Rs.2,000/- and has assessed pecuniary loss with application of multiplier of 17 after normal deduction of one-third. The Tribunal has then allowed Rs.45,000/- towards non-pecuniary loss that could only be said to be rather on the higher side. The award in question cannot be said to be too low or grossly inadequate so as to warrant interference in appeal at the instance of the claimants.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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